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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,537	10/31/2003	Teruo Tamada	KYFT-US	9947

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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER

3683

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,537

Applicant(s)

TAMADA ET AL.

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-452)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-10,12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamada et al.

Regarding claim 1 Tamada et al. discloses a system for absorbing energy in figures 3 and 4, with which applicant's are well familiar, including an energy absorbing member 3 comprising first and second opposing walls 8,9 and at least one rib 10 disposed therebetween. And although the absorbing member comprises polyolefin based and amorphous resins, Tamada et al. lacks discussing the particular percentages of each. See column 5 of Tamada et al.

One having ordinary skill in the art at the time of the invention would have found it obvious to have made the absorbing member of Tamada et al. with the claimed resins in the percentages required simply dependent upon the shock absorbing characteristics desired from the absorbing member or vehicle safety standards demanded from the bumper.

Regarding claim 2, as discussed in column 5 lines 14-15, these requirements are met.

Regarding claim 3 to have selected a thermoplastic having the claimed Izod impact value from the list discussed in column 5 of Tamada et al. would have been obvious to the ordinary skilled worker in the art at the time of the invention simply dependent upon the energy absorbing characteristics desired.

Regarding claim 4 these requirements are met.

Regarding claims 5,6 see the discussion in column 2 line 36. In view of the discussion above and the several embodiments shown by Tamada et al., these requirements are met.

Regarding claims 7 and 8 notwithstanding applicants embodiment having a flexural modulus of elasticity of between 9,000-22,000 kg/cm/cm one having ordinary skill in the art at the time of the invention would have found it obvious to have selected a thermoplastic having the claimed flexural modulus of not greater than 200 kg/cm/cm based on the energy absorbing characteristics desired or to meet certain vehicle safety standards, through routine optimization and experimentation. It is well known in the art to manufacture and use impact absorbers having generally the claimed flexural

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modulus. Applicants lack any particular criticality in the specification for this embodiment.

Regarding claims 9,10 in light of the discussions above, these requirements are met.

Regarding claims 12,13 these limitations would have been obvious to the ordinary skilled worker in the art at the time of the invention dependent upon the energy absorbing characteristics desired.

4. Claims 11,14 rejected under 35 U.S.C. 103(a) as being unpatentable over Tamada et al. in view of Suzuki et al..

Regarding claim 11 although Tamada et al. does not explicitly state the resins that may be used may comprise "olefin based elastomers", or rather, certain types of rubberized materials, such an idea is known and is generally taught by Suzuki et al. in column 12 lines 32-34.

One having ordinary skill in the art at the time the invention was made would have found it obvious to have used one of the claimed olefin based elastomers in the formation of the bumper of Tamada et al., as suggested by Suzuki et al., dependent upon the energy absorbing characteristics desired.

Regarding claim 14, in view of the discussion above, these requirements are met.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

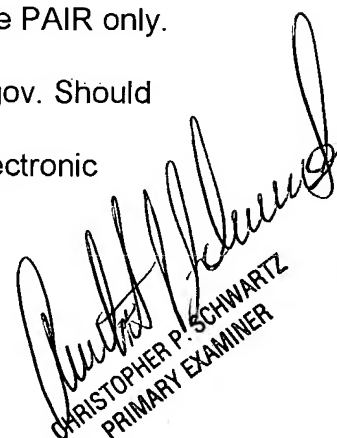
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
5/4/04


CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER